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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC DENMEAD and GABRIEL JIMINEZ,  
*individually and on behalf of all those similarly  
situated,*

No. C 07-1820 SI

Plaintiffs,

**ORDER DENYING WITHOUT  
PREJUDICE DEFENDANT'S MOTION  
TO DISMISS**

v.

LOWE'S HIW, INC., *et al.*,

Defendants.

The parties in this action have sought and received permission to await the resolution of the class action settlement in *Craig Hall, et al., v. Lowe's HIW, Inc.*, No. BC32832, pending in Los Angeles Superior Court, before proceeding with motion practice or case management conferences in this action, because both sides believe that the *Hall* settlement may be dispositive of some or all issues in this action. Final approval of the *Hall* settlement will be determined at an April 15, 2008 hearing.

Accordingly, in order to preserve the resources of the Court and counsel, defendant's motion to dismiss this action [docket # 11] is denied without prejudice to renewed consideration upon notice by counsel that the *Hall* proceedings have been completed.

**IT IS SO ORDERED.**

Dated: February 13, 2008

  
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SUSAN ILLSTON  
United States District Judge

**United States District Court**  
For the Northern District of California

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